



JC14 Rec'd PCT/PTO 24 JAN 2002 DAC/8

#26

PATENT  
Docket Number: A2996A US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Named Inventor: YU ET AL.

Serial No.: 09/744,788

Filing Date: January 30, 2001

For: ISOFORMS OF HUMAN CALCIUM  
SENSING RECEPTOR

**RECEIVED**

08 FEB 2002

International Division

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231, Attention: Office of Petitions.

Date: December 14, 2001

DOLLY KAPADIA  
(Type or print name of person mailing paper)

Skapadia  
(Signature of person mailing paper)

**TRANSMITTAL LETTER  
RESPONSE FOR NOTIFICATION OF MISSING PARTS**

Attention: Office of Petitions  
Assistant Commissioner of Patents  
Box DAC  
Washington, D.C. 20231

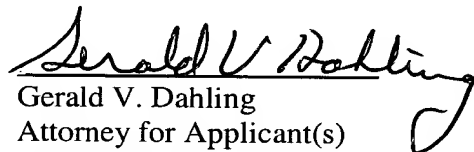
In response to the Notice of Missing Parts issued in the above-identified Application on May 14, 2001, Applicants submit the following:

1. A Petition under 37 CFR § 1.47 (which includes Declarations by William C. Coppola and Andrea Ryan, and A Statement of Proprietary Interest by Gerald V. Dahling);
2. A Declaration/Power of Attorney executed by Inventor YU;
3. A Declaration/Power of Attorney executed by Inventor Labaudiniere; and

4. A petition for a five (5) month extension time, to and including December 14, 2001 to respond to the Notice of Missing Parts (in duplicate).

Applicants are aware that a copy of the Notice of Missing Parts must accompany this response. However, that form is missing from Assignee's file. On 11/20/2001 an employee of assignee spoke with David Bruce (703-308-6162 or 703-308-0865) of the PCT Help Desk and requested that he fax another copy of the Notice to Assignee. Mr. Bruce indicated that the USPTO was having "a situation" with the PCT file room (the computer was updated but they missed the file room so therefore they are not sending any files out of the file room). Mr. Bruce also indicated that the USPTO would attempt to provide with a duplicate copy of the Notice before December 14, 2001. No copy has yet been received at assignee's offices.

Respectfully submitted,

  
Gerald V. Dahling  
Attorney for Applicant(s)  
Registration No. 29,632

AVENTIS PHARMACEUTICALS PRODUCTS INC.  
Route 202-206; Mail Stop: EMC-G1  
P.O. Box 6800  
Bridgewater, NJ 08807



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Date: Dec. 14, 2001

DOLLY KAPADIA  
(Type or print name of person mailing paper)

D Kapadia  
(Signature of person mailing paper)

**PETITION**  
**UNDER 37 C.F.R. § 1.47(b)**  
**(FILING WHEN AN INVNTOR CANNOT BE REACHED)**

Attention: Office of Petitions  
Assistant Commissioner of Patents  
Box DAC  
Washington, D.C. 20231

01/30/2002 LLANDGRA 00000029 181982 09744788  
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The above-referenced application was filed with an unexecuted Declaration and Power of Attorney. This Petition is being filed under 37 C.F.R. § 1.47(b) to request that the Director accept the filing of the subject application as complete without the signature of Inventor Larry W. THROWER, whose whereabouts remain unknown after diligent efforts to locate him.

As required, the instant Petition includes the following items:

I. The last known Address of Inventor THROWER:

Larry W. Thrower  
1204 Brooke Drive  
Royersford, PA 19468

II. Statement of Pertinent Facts

The above-identified application was filed in the USPTO on January 30, 2001, and assigned serial number 09/744,788. On May 14, 2001, the USPTO issued Notice of Missing Parts for this Application. According to the Declaration of Andrea Ryan, which is attached hereto, a Declaration/ Power of Attorney and Assignment were prepared and sent individually to each inventor in an effort to obtain the necessary documentation to reply to the Notice of Missing Parts. However, the documents sent to Inventor THROWER for signature were never returned (§ 2 of Ryan Declaration).

On October 26, 2001, Andrea Ryan again attempted to locate Inventor THROWER in order to obtain executed documents from him and respond to the Notice of Missing Parts. In particular, she contacted Inventor YU regarding the whereabouts of THROWER. Inventor YU told her that he “believed” that Inventor THROWER was in California attending the University of California law school. (§ 3 of Ryan Dec.).

Mr. Ryan diligently followed up on this lead, and performed internet searches of [www.yahoo.com](http://www.yahoo.com) public records, and the University of California School of Law phone directory ([www.law.berkeley.edu/dir](http://www.law.berkeley.edu/dir)), in an effort to locate Inventor THROWER (§§ 3-5 of Ryan Dec). The internet search of the University California School of Law phone directory did not produce any results. (§ 5 of Ryan Dec.). The “Yahoo” search did uncover an address and telephone number for a “Larry Thrower” in Concord California. However, when Ms. Ryan dialed the telephone number, she discovered that the phone had been disconnected. (§ 4 of Ryan Dec.).

William Coppola, another employee of Aventis Pharmaceuticals Inc., also diligently attempted to locate Inventor THROWER in an effort to obtain executed

documents for submission to the USPTO in response to the Notice of Missing Parts. According to Mr. Coppola's Declaration, a copy of which is attached hereto, he contacted Inventor YU on June 12, 2001 in an effort to obtain the whereabouts of Inventor THROWER. (§ 1 of Coppola Dec.). Inventor YU initially communicated to Mr. Coppola he did not have any contact information regarding inventor THROWER. (§ 3 of Coppola Dec.) However, Mr. Coppola again contacted Inventor YU for any information regarding the whereabouts of Inventor THROWER, "...even if rumors...." (§ 4 of Coppola Dec.).

Approximately two (2) weeks after Mr. Coppola's second request for information regarding the whereabouts of Inventor THROWER, Inventor YU communicated to Mr. Coppola that Inventor THROWER was last employed at GenCell in Hayward, CA. (§5 of Coppola Dec.). Mr. Coppola followed up on this lead, and subsequently learned that Inventor THROWER was not an employee of GenCell (§§ 6-7 of Coppola Dec.).

The facts as presented above, and in the Declarations of Ms. Ryan and Mr. Coppola, clearly show that diligent efforts were made to locate Inventor THROWER, including (1) sending papers for execution to the last known address of Inventor THROWER, which were never returned, (2) asking a co-inventor for any information regarding the whereabouts of Inventor THROWER, and (3) diligently following up on any leads received from the co-inventor. Indeed, inventor YU provided *two* entirely differently leads regarding the whereabouts of inventor THROWER. Both leads were diligently followed, and did not produce any results.

For the foregoing reasons, it is respectfully submitted that diligent efforts have been made in an attempt to locate Inventor THROWER, and the instant Petition should be granted.

III. The Granting of this Petition is Necessary to Preserve the Rights of the Parties and to Prevent Irreparable Damage

The instant Application was filed under 35 U.S.C. § 371 and claimed the priority of International Application Number PCT/US99/17116 having an international application filing date of July 28, 1999, which in turn, claimed the

priority of U.S. Provisional Application Number 60/094,702 filed on July 30, 1998. The assignee has spent considerable funds in the development and legal protection of the instant Invention in the United States. If Applicants are not permitted to prosecute the instant Application, the priority date of July 30, 1998 will be lost, and all of the parties will suffer irreparable damage.

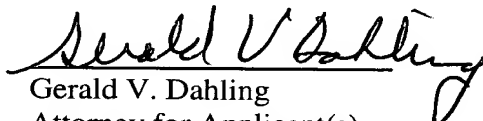
***Fees***

Authorization is hereby provided to charge Deposit Account number 18-1982 for all fees associated with the filing of the Petition, including the fee set forth in 37 CFR § 1.17(h). Authorization is also hereby provided to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments.

**CONCLUSION**

It is respectfully submitted that Applicants have met all the requirements for this Petition as set forth in 37 CFR § 1.47, and that this Petition be granted.

Respectfully submitted,

  
Gerald V. Dahling  
Attorney for Applicant(s)  
Registration No. 29,632

AVENTIS PHARMACEUTICALS PRODUCTS INC.  
Route 202-206; Mail Stop: EMC-G1  
P.O. Box 6800  
Bridgewater, NJ 08807  
December 14, 2001